

2001 No. 3139

AGRICULTURE, ENGLAND

The Organic Farming (England Rural Development Programme) (Amendment) Regulations 2001

Made - - - - - *12th September 2001*

Laid before Parliament *17th September 2001*

Coming into force - - *10th October 2001*

The Secretary of State for Environment, Food and Rural Affairs, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on her by that section, and of all other powers enabling her in that behalf, hereby makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Organic Farming (England Rural Development Programme) (Amendment) Regulations 2001 and shall come into force on 10th October 2001.

Interpretation

2. In these Regulations “the principal Regulations” means the Organic Farming (England Rural Development Programme) Regulations 2001(c).

Amendment to the principal Regulations

3.—(1) In regulation 4 of the principal Regulations, paragraph (2)(a) shall be deleted.

(2) After regulation 9 of the principal Regulations, there shall be inserted the following regulation—

“Applicants affected by FMD

9A.—(1) Regulations 4, 5 and 9 shall have effect subject to this regulation.

(2) This regulation applies in relation to an applicant affected by FMD.

(3) The undertaking specified in regulation 4(2)(b)(i) shall apply only to that part of the specified period beginning with the date on which a certificate of registration is issued to the applicant in respect of the first organic parcel.

(a) S.I. 1972/1811.
(b) 1972 c. 68.
(c) S.I. 2001/432.

- (4) The Minister may accept an application notwithstanding that the condition in regulation 5(1)(a) is not satisfied, provided that—
- (a) where a request for a certificate of registration has been received by the inspection authority before 14th August 2001, and on 13th August 2001 the organic parcel to which the application relates was subject to FMD restrictions, the conditions in paragraph (5) are satisfied; and
 - (b) where—
 - (i) the request for a certificate of registration has been received by the inspection authority after 13th August 2001; or
 - (ii) the request for a certificate of registration has been received by the inspection authority before 14th August 2001, but the organic parcel in question became subject to FMD restrictions after 13th August 2001;
 the conditions in paragraph (6) are satisfied.
- (5) The conditions referred to in paragraph (4)(a) are that—
- (a) the application was received by the Minister before 14th February 2002; and
 - (b) the Minister has received an FMD certification in respect of the organic parcel in question.
- (6) The conditions referred to in paragraph (4)(b) are that the application was received by the Minister by the requisite time and was accompanied by an FMD certification in respect of the organic parcel in question.
- (7) Regulation 5(1)(b) shall not apply.
- (8) Regulation 9 shall apply as if, after paragraph (4), there were inserted the following paragraph—
- “(5) No payment of aid shall be made in respect of an organic parcel in respect of which an FMD certification has been given to the applicant unless the Minister has received a declaration of the kind referred to in regulation 5(1)(b) in such form and manner as the Minister may determine, in respect of the organic unit comprising that organic parcel.”.
- (9) For the purposes of this regulation—
- (a) “applicant affected by FMD” means an applicant to whom an inspection authority has given an FMD certification or on whose behalf an inspection authority has given an FMD certification to the Minister;
 - (b) “FMD” means foot-and-mouth disease;
 - (c) “FMD certification” means a certificate given by an inspection authority in relation to an organic parcel to the effect that, at the date of certification, the organic parcel is subject to FMD restrictions as a consequence of which inspection of the land comprised in that organic parcel is impracticable;
 - (d) “FMD restrictions” means restrictions imposed by or as a consequence of the following—
 - (i) a notice served under article 5(1) of the 1983 Order;
 - (ii) a notice served under article 13(1) of the 1983 Order;
 - (iii) an order made under article 17(1) of the 1983 Order;
 - (iv) an order made under article 29C(1) of the 1983 Order; or
 - (v) a notice served under article 38 of the 1983 Order which prohibits the movement of any person into, within or out of the organic parcel to which the application relates;
 - (e) “the 1983 Order” means the Foot-and-Mouth Disease Order 1983(a);
 - (f) “the relevant date”, in relation to an organic parcel, means the date on which the inspection authority is informed of the imposition of FMD restrictions in relation to that organic parcel;

(a) S.I. 1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922, and, as regards England, by S.I.s 2001/571, 2001/680, 2001/974, 2001/1078, 2001/1407, 2001/1514, 2001/1862, 2001/2238, 2001/2735, 2001/2814 and 2001/2994.

- (g) “the requisite time” means whichever is the earlier of—
- (i) the expiry of six months from the relevant date; and
 - (ii) 29th March 2002.”.

12th September 2001

Elliot Morley
Parliamentary Under-Secretary of State,
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Organic Farming (England Rural Development Programme) Regulations 2001 (the “principal Regulations”) which provide for the payment of aid to farmers who undertake to introduce organic farming methods. They implement an amendment to the England Rural Development Programme which was notified to the Commission on 31st July 2001 under sub-paragraph 3 of Article 35.2 of Council Regulation 1750/1999 (EC) No. 1750/1999 (OJ No.L214, 13.8.99, p.31).

The Regulations amend the principal Regulations by inserting a new regulation 9A to enable applications to be accepted from farmers who have been unable, as a direct result of the outbreak of foot-and-mouth disease in England, to meet the normal criteria for acceptance of applications because (i) their land has not been inspected by an inspection authority; and (ii) they are consequently unable to provide a declaration that the inspection authority has approved a plan relating to the whole organic unit (“plan”) (*regulation 3*).

The dispensation from that requirement is temporary, since the effect of new regulation 9A(8) is that, notwithstanding the acceptance by the Minister of such applications, no payment of aid will be made until the Minister has received a declaration by the applicant that the inspection authority has approved a plan.

No Regulatory Impact Assessment has been prepared in respect of these Regulations.

£1.75

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.
E1649 10/2001 657855 19585

ISBN 0-11-029975-2



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